United States District Court Southern District of Texas

## ENTERED

April 04, 2023

Nathan Ochsner, Clerk

## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

MINTON, et al.,	§	
Plaintiffs,	§	
V.	§	
	§	No. 4:21-cv-143
INTERCONTINENTAL	§	
TERMINALS COMPANY, LLC et.	§	
al.	§	
Defendants.	§	
	§	
IN RE: INTERCONTINENTAL	§	No. 4:19-cv-1460
TERMINALS COMPANY, LLC	§	
DEER PARK FIRE LITIGATION	§	

## **ORDER**

On April 3, 2023, the Court held a status conference in *Minton v. Intercontinental Terminals Company LLC*, 4:21-cv-143 and *In re: ITC*, 4:19-cv-1460. Based on the responses filed to the Court's show cause order, the Court asked counsel to clarify their positions regarding NSK Corp.'s and NSK Ltd.'s (collectively, "NSK") pending motion for summary judgment, ECF No. 73, and Plaintiff's motion to strike the responsible third-party designation as to NSK, ECF No. 75. ITC's expressed concern that, if the Court dismissed NSK Corp., a Delaware corporation, and NSK, Ltd., a Japanese corporation, pressed its personal jurisdiction defense, that there would be no responsible party in the case if NSK was ultimately found liable for causing the fire at the ITC Deer Park facility. Counsel for NSK stated

<sup>&</sup>lt;sup>1</sup> Order, ECF No. 115, NSK's response, ECF No. 189, ITC's response, ECF No. 244, NSK's reply, ECF No. 245.

that if the evidence establishes that NSK Ltd. manufactured the 5313 bearings at

issue, NSK Ltd. would not contest personal jurisdiction. However, NSK Ltd.'s

position is that the 5313 bearings are counterfeit. If the evidence establishes that they

are counterfeit, then NSK will pursue its jurisdictional defense. The Court's ruling

on the pending motions will be forthcoming.

Counsel provided an update regarding discovery, communicating that expert

depositions of the parties' twenty-three experts will begin this week and should be

completed by the end of May. In addition, counsel advised that the Plaintiffs'

verification process was 90% complete. Counsel also informed the Court that

Defendants would be seeking medical evaluations of some Bellwether Plaintiffs who

maintained that they had continuing health effects. Finally, counsel advised the

Court that mediation is scheduled for July 12<sup>th</sup> and 13<sup>th</sup>.

The Court reminded counsel that discovery should not be filed on the docket

and will be stricken.

The Court will schedule the next status conference for early May.

IT IS SO ORDERED.

Signed on April 3, 2023, at Houston, Texas.

Dena Hanovice Palermo

**United States Magistrate Judge**